

Elevation: up to \$75,000 additional funds as needed to meet housing elevation requirements for eligible applicants with homes to be reconstructed or mobile home replaced located in a 100-year flood plain and having damages totaling more than 50% of its pre-disaster value (this includes elevating mobile homes as needed).

Temporary Rental Assistance: up to \$2,500 per applicant eligible for reconstruction and \$1,000 per applicant eligible for rehabilitation (when the rehabilitation work requires applicant to temporarily relocate) or mobile home replacement. This assistance will be provided to households who are not able to re-enter their homes.

**ELIGIBLE ACTIVITIES:** 42 U.S.C. 5305(a)(4); HCDA Sections 105 (a)(1), 105(a)(3-4), 105(a)(11). Also eligible are elevation expenses related to rehabilitation and reconstruction activities.

**NATIONAL OBJECTIVE:** Benefit to low- and moderate-income persons. [24 CFR 270.208(a)(3)]

**CDBG-DR ALLOCATION:** \$64,378,950

**PROJECTED ACCOMPLISHMENTS:** The State estimates it will be able to assist up to 700 low and moderate income homeowners. Using the most current and best available data, West Virginia projects that the majority of the affected population will need home repairs rather than reconstruction or replacement. Accordingly, it is anticipated that not all applicants will require the maximum amount of assistance available.

**START DATE:** The State anticipates launching the West Virginia Housing Restoration Program in the third quarter of 2017.

**END DATE:** WV-HRP will end upon the expenditure of all funds allocated for this program or within six years after the execution of the grant agreement with HUD.

*Image 21: Home destroyed by flood waters.*



## WEST VIRGINIA RENTAL ASSISTANCE PROGRAM (WV-RAP)

**PROGRAM OBJECTIVE AND DESCRIPTION:** West Virginia used the most current available data from FEMA and SBA to complete its needs assessment. Based on this data and its consultation and coordination with the State's partners in county and local governments, other State and local government agencies and affected communities, loss has been suffered across a variety of housing types, including single-family and two-family homes, and other non-conventional structures such as mobile homes.

The floods of June 2016 affected both market-rate rental properties and affordable rental properties. Even before the flood, demand for affordable, government-subsidized, conventional rental housing was strong throughout West Virginia. Of all 55 counties, 47 have overall government-subsidized occupancy rates of 98% or higher. Additionally, the senior renter household growth in Jackson County is projected to be one of the highest at 21% for 2014-2019. Similarly, in Webster and Clay counties the family renter household growth projection for residents under the age of 55 for the same time period indicates decreases of 44% and 37% respectively.<sup>3</sup> This is a direct result of the state's aging population and sluggish economic environment.

Accordingly, a priority of West Virginia is to help rebuild damaged rental properties and return these impacted citizens to their homes as soon as possible. WV-RAP will address a portion of the unmet need within the rental housing sector identified by the State's unmet needs assessment. Specifically, WV-RAP will focus on rehabilitation, repair, and reconstruction needs within the rental market and ensure resilience by incorporating mitigation measures to reduce impacts of future disasters.

The Rental Assistance Program (WV-RAP) will focus on rebuilding the affordable rental housing stock in impacted counties. Specifically, the WV-RAP will aid small properties (typically 1 – 4 units) damaged by the June 2016 floods. The program will provide financial assistance to small rental property owners who serve a low to moderate income market. West Virginia has prioritized this need as the state has many small rental property owners in need of assistance to bring their rental units back to the State's market. The program expands affordable rental options while also spurring economic growth.

**ADMINISTERING ENTITY:** The West Virginia Rental Assistance Program will be directly administered by the State through the West Virginia Department of Commerce with specific phases of the administration of WV - RAP conducted in coordination with the Regional Planning and Development Councils representing the declared counties.

**GEOGRAPHIC AREA ELIGIBLE TO BE SERVED:** Disaster declared counties: Clay, Fayette, Greenbrier, Jackson, Kanawha, Lincoln, Monroe, Nicholas, Pocahontas, Roane, Summers, Webster. Eighty percent of the CDBG-DR funds will be awarded to those properties located in the HUD-identified most impacted and distressed areas of Clay, Greenbrier, Kanawha, and Nicholas Counties.<sup>4</sup>

**ELIGIBLE APPLICANTS:** The State defines properties eligible for WV-RAP as single-family properties containing one to four residential units. Rental units must have experienced major to severe damage and have remaining unmet needs. After completion of the assistance provided, the owner of the property shall be required to offer the unit(s) at affordable rates to renters earning less than or equal to 80% AMI for a period of three (3) years. Units must be affordable to renters earning less than 80% AMI for three years.

<sup>3</sup> West Virginia Housing Development Fund 2015 Housing Needs Study

***ELIGIBILITY CRITERIA:***

- a) Owners of rental property to include single family homes and mobile homes. Owners may include individuals, community development non-profits, Public Housing Authorities (PHA), Community Housing Development Organizations (CHDO) and/or private entities. *NOTE: Manufactured Housing Units (MHUs or mobile homes) are eligible for rehabilitation at the discretion of the program. However, in order to be cost effective, the MHU to be rehabilitated must be no more than 5 years old at the time of assistance and the repair costs necessary to rehabilitate the MHU must not exceed \$5,000 (hard and soft construction costs). Any MHU that is older than 5 years old or has an estimated repair cost greater than \$5,000 shall require the MHU to be replaced with a MHU. The MHU must meet HQS upon completion.*
- b) Structure must have been directly or indirectly impacted by floods of June 2016 (DR-4273).
- c) Second homes as defined by IRS Publication 936 are not eligible for assistance. Additionally, seasonal, short-term and vacation rental properties are not eligible for assistance.
- d) Homes that have suffered substantial damage will also qualify for assistance to mitigate against future losses and to comply with local building and zoning codes to address future flood risk. Based on recent federal guidance (Federal Register Notice 81 FR 5989, published on November 21, 2016), the State will require that buildings elevated with CDBG-DR dollars adopt standards using the best available flood elevation data plus freeboard, a factor of safety specified in the Building Code. The State's intention is to utilize Flood Insurance Rate Maps (FIRMs) when they are issued and to require that projects funded with CDBG-DR meet FIRM elevation plus freeboard, a factor of safety specified in the Building Code.
- e) The owner of the property must agree to rent the unit according to the affordability requirements set forth below for a period of 3 years after rehabilitation or replacement as secured through a recorded use restriction or other mechanism (e.g. forgivable promissory note or lien) to ensure that rental housing remains affordable for the stated period of time.
- f) If located in a floodplain, the applicant must acquire flood insurance and comply with obligations to notify future owners of flood-insurance requirements.

***AFFORDABILITY REQUIREMENTS:***

*Definition of Affordable Rents:* Housing is considered "affordable" if the rent (including utilities) is no more than 30 percent (30%) of a household's pre-tax income.

*Number of Units:* In order to be eligible for the program, at a minimum, the owner/applicant must agree to meet the following occupancy requirements established by HUD:

- All assisted single unit structures must be occupied by LMI households,
- An assisted two-unit structure (duplex) must have at least one unit occupied by a LMI household, and
- An assisted structure containing more than two units must have at least 51 percent (51%) of the units occupied by LMI households.

(However, as will be detailed in the program guidelines, the state may require recipients to provide affordable housing to low-to-moderate income housing through additional units within assisted structures.)

*Duration of Affordability:* The provision of affordable rents to qualified tenants will be required and monitored by the State for three (3) years.

**Ineligible Activities:** Forced mortgage payoffs; SBA home/business loan payoffs; funding for second homes; assistance for those who previously received Federal flood disaster assistance and did not maintain flood insurance; and compensation payments.

**PROGRAM PRIORITIES:** In order to address the greatest need with the limited amount of funding available, program priorities have been established. Priorities of this program will include the restoration of all HUD-financed rental properties and structures directly impacted by the June 2016 floods located in areas determined to have a high and medium SoVI® score based on census tract data. These priorities allow the program to assist citizens with the greatest need based on level of damage and areas with the highest SoVI® score. Eligible applications will be reviewed and processed based on the following priority factors listed below in order of priority:

1. The impacted structure is a HUD-financed rental property and experienced damages confirmed by a FEMA designation or has damage that meets a standard defined by FEMA;
2. The current tenant household meets HUD's Low- to Moderate-Income (LMI) requirements or, if the property is currently vacant, the applicant certifies that they will obtain a tenant who meets HUD's Low- to Moderate-Income (LMI) requirements;
3. Eligible applications will be reviewed and processed based on the SoVI® analysis of the impacted rental property. Specifically, each property will be reviewed to determine whether it is located in a HIGH, MEDIUM, or LOW SoVI® area. This designation will be referred to as an application's "SoVI® score." The components which make up an application's SoVI® score are outlined in Table 13.

The State will prioritize applications with a SoVI® high score for the first 60 days of the application intake period. Thus, these will be the only applications processed and assisted for this time period. Once this time period has expired, the State will prioritize applications with both a SoVI® high and medium score for a period of 30 additional days and processed based on the order in which the application's eligibility is determined. After this 90 day period the prioritization period will be concluded. Accordingly, after the 90-day period, applications receiving a SoVI® high, medium, or low score will be processed based on the order in which the application's eligibility is determined.

4. Activities assisting providers of service to homeless populations, seniors, or other populations with special needs shall also be prioritized.

**GRANT LIMIT:**

*Single-Family Homeowner Rehabilitation:* up to \$75,000 per applicant for homes with damages totaling up to or less than 50% of its pre-disaster value.

*Single-Family Homeowner Reconstruction:* up to \$100,000 per applicant to rebuild homes with damages totaling 50.01% or more of the homes pre-disaster value.

*Mobile Home Replacement:* up to \$60,000 per applicant for mobile home replacement.

*Elevation:* up to \$75,000 additional funds as needed to meet housing elevation requirements for eligible applicants with homes to be reconstructed or mobile home replaced located in a 100-year flood plain and having damages totaling more than 50% of its pre-disaster value (this includes elevating mobile homes as needed).

**Temporary Rental Assistance:** up to \$2,500 per applicant eligible for reconstruction and \$1,000 per applicant eligible for rehabilitation (when the rehabilitation work requires applicant to temporarily relocate) or mobile home replacement. This assistance will be provided to households who are not able to re-enter their homes.

**ELIGIBLE ACTIVITIES:** HCDA Sections 105(a)(3)-(4); 105(a)(11); 105(a)(15); 105(a)(18); 105(a)(25); Also eligible are elevation expenses related to rehabilitation and reconstruction activities including all applicable alternate eligibility requirements set forth under 81 FR 83254 and 82 FR 5591. [24 CFR 570.202(a)(1)]

**NATIONAL OBJECTIVE:** Benefit to low to moderate-income persons. [24 CFR 570.208(a)(3)]

**CDBG-DR ALLOCATION:** \$16,000,000

**PROJECTED ACCOMPLISHMENTS:** The State estimates it will be able to assist 300 units of rental property.

**START DATE:** The State anticipates launching the WV-RAP during the third quarter of 2017.

**END DATE:** WV-RAP will end upon the expenditure of all funds allocated for this program or within six years after the execution of the grant agreement with HUD.

## TYPICAL FLOW FOR HOUSING PROGRAMS

### APPLICANT INTAKE AND CASE MANAGEMENT

Upon approval of this program, the State intends to undertake a targeted outreach strategy to reach high and medium SoVI® areas, which will include the following:

- A social media and local media campaign within SoVI® areas to describe program parameters, announce program intake, and provide guidance on how to apply;
- Community outreach in SoVI® areas that sustained damage, including communication with public officials, non-profits, and local community groups; and
- Direct community-based meetings, discussions, and forums in SoVI® areas to provide further guidance and capture feedback from impacted areas.

Owners of properties damaged by flooding are expected to register either online, via phone, or by coming to any of the program-designated locations. Once registered, applicants will be assigned a case manager who will accompany the applicant throughout the application process. The applicant will provide all required documentation to their case manager to answer questions.

### FINANCIAL AND ELIGIBILITY REVIEW

The case manager will validate applicant and property eligibility and determine their priority in the program. They will conduct all compliance and duplication of benefit reviews and analyses. The State will utilize Melissa Data® to conduct eligibility reviews to expedite the intake process. Melissa Data® will automatically verify certain data provided by Applicants, confirming data points such as the street address, county, and zip code of the damage property.

In certain cases, Melissa Data® may not validate an applicant's eligibility automatically. If additional documentation is required the case manager will counsel the applicant on the documentation needed to prove eligibility. Examples of criteria for which documentation may be required include:

- Identification (e.g., government-issued identification);

- Citizenship (e.g., passport or birth certificate);
- Ownership (e.g., deed);
- Primary residence of owner/tenant (where applicable) (e.g., utility bills), lease agreement;
- Level of available assistance, (e.g., letters from insurance providers, FEMA grant documentation, SBA loan documentation); and
- Income (e.g., tax forms).

#### DAMAGE ASSESSMENT

A damage assessment expert will also be assigned to visit the applicant's property to assess the cost to complete rehabilitation. This damage assessor will make an appointment with the applicant to visit the property only after eligibility verification is complete. The damage assessor will document the required scope of work, type of damage, property size, and calculate estimated costs for use by the program in determining the amount and type of assistance required.

#### DETERMINATION OF UNMET NEED

The case manager will receive the cost to complete estimate from the damage assessor and compare it to the financial review file, documenting all resources and assistance already received by the applicant. Based on these two inputs, the case manager will determine the unmet need and will work with the applicant to determine the most appropriate recovery path for the property.

#### ONGOING APPLICANT POINT OF CONTACT

Each path will provide specific customer service and housing counseling to the applicant throughout the rehabilitation/reconstruction process. However, the assigned case manager will remain an available point of contact throughout the entire process, allowing for continuity of service.

### BRIDGE HOME PROGRAM

**PROGRAM OBJECTIVE AND DESCRIPTION:** Given the state's rugged and rural landscape, many properties have only one access point via private roads with bridges, a substantial amount of which were damaged or destroyed during the flood. Due to the large amount of private, non-county maintained bridges that were damaged affected residents have limited or no access to their homes and some do not have access to evacuation routes. Homeowners and renters in West Virginia need this specific assistance. FEMA Public Assistance may not be available to repair these roads due to their lack of public maintenance, even though they provide critical emergency access to families and homeowners. Without the reconstruction of the private roads and bridges, residents will be at high risk when the next disaster occurs.

The State will coordinate with WVVOAD to administer the Bridge Home Program. Specifically, applicants will apply to the WV VOAD for assistance and WV VOAD will submit the applications of those residences located in Kanawha, Greenbrier, Nicholas and Clay Counties to WVDOC for review. WVDOC will review the applications for all eligibility criteria and process for assistance. Once an applicant is deemed eligible for assistance, WVDOC will fund the costs of repair. WV VOAD will provide the voluntary labor necessary to complete the repairs consistent with all program requirements. All bridges will be constructed in compliance with HUD environmental and all other applicable requirements. Additionally, bridges will be constructed to mitigate against future damage.

**ADMINISTERING ENTITY:** The Bridge Home Program will be directly administered by the State through the West Virginia Department of Commerce in partnership with the West Virginia VOAD.

**GEOGRAPHIC AREA TO BE SERVED:** Disaster declared counties: Clay, Fayette, Greenbrier, Jackson, Kanawha, Lincoln, Monroe, Nicholas, Pocahontas, Roane, Summers, Webster.

**ELIGIBILITY CRITERIA:**

- Applicants must prove that the private bridge access was directly damaged or destroyed by the flood (DR 4273) and provides primary access to the target homes.
- Applicants should demonstrate that lack of access is a health and safety issue and provides emergency vehicle access.
- The private bridge should serve at least two residential properties, one of which must be a primary residence.
- At least 51 percent of the properties that the bridge provides access to must be low-and-moderate income households unless an urgent need can be substantiated.

**PROGRAM PRIORITIES:** Applicants deemed eligible for the WV Up to Code or WV Rental Assistance Program will be prioritized for Bridge Home Program funds.

**ELIGIBLE ACTIVITIES:** Eligible under HCDA Sections 105(a)(3); 105(a)(4); 105(a)(5).

**NATIONAL OBJECTIVE:** Benefit to low- and moderate-income persons or households and Urgent Need (24 CFR 570.208(a); and, 24 CFR 570.208(c)).

**CDBG-DR ALLOCATION:** \$2,080,000

**PROJECTED ACCOMPLISHMENTS:** The State estimates that up to 100 bridges can be repaired or replaced.

**GRANT LIMIT:** \$30,000 per bridge

**START DATE:** The State anticipates the launch of the Bridge Home Program during the third quarter of 2017.

**END DATE:** The State anticipates the completion of the Bridge Home Program by December 2020.

*Image 22: After their house was destroyed by rushing flood waters, a family of 5 is living in this camper, the left hand side of the photo shows where their home once stood.*



## WEST VIRGINIA HAZARD MITIGATION GRANT / CDBG-DR MATCH PROGRAM

**PROGRAM OBJECTIVE AND DESCRIPTION:** As documented in the State's unmet needs assessment, a large number of homes in the declared counties reported damages as a result of the June 2016 floods. A close examination of the damages reveals a high concentration of homeowners spread across a wide geographic area within the state. Not only was this damage extensive, but it disproportionately affected the low- and moderate-income (LMI) population. As set forth in the State's impact and unmet needs assessment, the location and substantial nature of these damages yielded a tremendous unmet need in the state. Accordingly, given the limited resources and the identified housing needs, West Virginia seeks to leverage investment for long-term resilience.

A critical component of its recovery strategy is West Virginia's intention to leverage any available funds with CDBG-DR funds to ensure that the most impact can be achieved by the CDBG-DR investment. FEMA's Hazard Mitigation Grant Program (HMGP) will be a critical part of long-term resilience improvements for infrastructure in West Virginia's impacted area. As of March 1, 2017, the amount available for mitigation and resilience activities statewide is \$60 million. Accordingly, West Virginia will combine the HMGP funds with the CDBG-DR funds for discretionary resilience projects. CDBG-DR funding will be applied to the local cost share of projects funded under the HMGP. These projects will be determined in advance to be those that reduce risk to future disasters to life, private property and/or public infrastructure. Projects must pass a cost-benefit analysis and be determined as cost-effective. FEMA provides 75 percent federal funding (75% of the project total) and West Virginia will provide the remaining non-FEMA cost-share of 25 percent (25% of the project total). CDBG-DR funds would go to pay for some or the entire local 25% cost share. The State will utilize its CDBG-DR allocation within the eligible areas to elevate residential structures, with a particular emphasis on LMI households.

At the time of developing the West Virginia CDBG-DR Action Plan, the State's HMGP policy guidelines have not been released for the HMGP grant related to DR-4273. These guidelines will be a significant component in the determination of project types prioritized for the match of CDBG-DR funds to HMGP funds. The eligibility criteria under the CDBG-DR program will be the deciding factor as to whether the CDBG-DR funds can be used for the

*Image 23: Cleaning up flood damage in Richwood.*



local match under the State's HMGP. Not all FEMA or other federal projects contain activities that are eligible under CDBG-DR. Only CDBG-DR eligible activities will be funded under this program.

**ADMINISTERING ENTITY:** The proposed programs will be administered through the West Virginia Department of Commerce in coordination with the West Virginia Department of Homeland Security and Emergency Management. Through an extensive outreach initiative, the State has identified eligible households and will coordinate all aspects of administering the programs including applicant intake, case management and construction work, where applicable.

**ELIGIBLE APPLICANTS:** Homeowners, Counties, Municipalities, Public Housing Authorities, other county and local program applicants eligible to receive federal HMGP funds, including eligible private non-profit organizations.

**ELIGIBLE ACTIVITIES:**

- Housing Activities
- Property acquisition and demolition (stick-built homes and mobile homes)
- Property elevation
- Minor localized flood reduction projects (i.e. detention ponds, increased channel capacity)
- Infrastructure improvements or replacement

**ELIGIBILITY CRITERIA:** Eligibility criteria will include all program eligibility criteria for both the FEMA Hazard Mitigation Program and the CDBG-DR program.

**GRANT LIMIT:** The grant limit will be the amount equal to the entire local 25% cost share of the HMGP project.

**PROGRAM PRIORITIES:** Benefit to LMI households and/or persons will be prioritized. Activities assisting providers of service to homeless populations or other populations with special needs shall also be prioritized.

**PROJECTED ACCOMPLISHMENTS:** The State anticipates a variety of accomplishments to be realized through its leverage of the CDBG-DR funds and FEMA HMGP funds. Given West Virginia's current state of economy, a critical value and accomplishment realized through this funding approach is the ability to use the CDBG-DR funds and not deplete state or local resources desperately needed for other recovery efforts.

**ELIGIBLE ACTIVITIES:** HCDA Sections 105(a)(4); 105(a)(9).

**NATIONAL OBJECTIVE:** Benefit to low- and moderate-income persons or households and Urgent Need (24 CFR 570.208(a); and, 24 CFR 570.208(c)).

**CDBG-DR ALLOCATION:** \$12,440,000 (West Virginia's initial CDBG-DR allocation is \$12,440,000; however, the State reserves the right to revise this allocation via future amendments at a later date should it be warranted.)

**START DATE:** The State of West Virginia anticipates the launch of the Restore West Virginia FEMA HMGP Non-Federal Share Match Program in the third quarter of 2017.

**END DATE:** The program will end when all funds are expended, or within six years after the execution of the grant agreement with HUD.

## RESTORE RIVERVIEW PROJECT

**PROGRAM OBJECTIVE AND DESCRIPTION:** Clendenin School served as the center of education for this community from its design in 1911 until 2003. Long considered a community icon, the structure has nurtured many citizens of Kanawha County, West Virginia.

In 2009, various stakeholders and interested partners collaborated to develop a plan for the redevelopment and rehabilitation of this community cornerstone. Together, the partnership leveraged HUD NSP funds, USDA funds and private funds to facilitate the development of a mixed-use facility which would provide both affordable housing for seniors and health care to this region. The 3-story building was re-opened in 2011 to provide 18 residential units and a medical clinic which served both the residents of Riverview and the Clendenin community. Specifically, the Clendenin Health Center provided services such as primary care services for all ages, prenatal and perinatal care, pediatric care, pharmacy services, behavioral health services, dental services, and in-house laboratory services. After its adaptation, Riverview continued to serve as a cornerstone of this vital community.

Like the majority of Clendenin, the 2016 floods caused devastating damage to Riverview. All of the residential units located on the first floor sustained substantial damage. Third floor common areas were also damaged along with the laundry room, electric room, mechanical room, elevator, and elevator machine room. The infrastructure and HVAC unit on the exterior of the building was also heavily damaged. Yet even in the midst of suffering such devastation, this cornerstone of the Clendenin community continued to serve its neighbors. Within days of the floods, supported by emergency generators, the medical clinic provided desperately needed medical care to the community.

As stated previously in the Impact Assessment, local officials within Clendenin initially estimated that \$4 million would be required to repair flood damage to this building and to reopen the 18 rental units vacated after the flood. Given the building's location, the extensive damage suffered to the first floor, the height of the flood waters of 2016 and the possibility of future flooding, in its final environmental review, the State will consider whether it is advisable to rebuild housing units on the first floor of this property. The ten units on the third floor of Riverview, however, will be completely rehabilitated. Any units rehabilitated and restored will primarily benefit the low- and moderate-income population and be considered for a location for additional senior housing needed in this community.

In addition to the need for affordable housing in Clendenin, there is also a community need for training and office space. Thus, the Restore Riverview Project will rehabilitate the first floor of the building to function as a training space and office space or residential units rehabilitated in full compliance with applicable standards for the rehabilitation of housing units located in a floodplain. Should the ultimate use of the first floor be for use other than housing, such use will require a tenant or owner to ensure that 51% of the jobs associated with the use of the first floor are held by low- and moderate-income persons. This comprehensive strategy will both restore much needed affordable rental units to Clendenin while also creating low- and moderate-income jobs for the community.

**ACQUISITION FOR REDEVELOPMENT:** In addition to the rehabilitation of the Riverview housing units described above, through this Project, the State will also target specific blocks or areas within Clendenin ideal to provide

additional rental stock within the community. The purpose of this phase of the Restore Riverview Project will be to redevelop any acquired property to increase the available rental stock in the Clendenin area such as affordable rental housing. For example, through this Restore Riverview Project, the State could acquire homes, vacated structures, or empty lots in an area where other homeowners have damaged properties but want to stay and the acquisition would support a broader reconstruction effort within that community. The State may also acquire and restore flood damaged structures abandoned since the disaster which could be rehabilitated to provide additional housing units for the Clendenin area. Different from buyouts (any property acquired under this program will not be acquired through a buyout), these acquisitions would be made at prices based on post-disaster fair market values in compliance with HUD guidance under 81 FR 83254.

The State will intentionally target clustered properties for any acquisition for redevelopment activity or consider a single structure able to provide multiple additional rental units for the community. Once the properties are acquired, the State will either rehabilitate an existing structure or construct a new multi-family complex capable of providing more than 4 new rental housing units to the community.

Given the limited amount of funds, this redevelopment strategy is limited to Clendenin, Kanawha County, West Virginia as this community was identified by Federal, State, and community partners as having a lack of rental housing and critical need for rental housing prioritizing seniors and LMI persons.

West Virginia will not use eminent domain for this activity. All participation in this project will be voluntary.

**ADMINISTERING ENTITY:** The Restore Riverview Project will be directly administered by the State through the West Virginia Department of Commerce in partnership with the West Virginia Housing Development Fund.

**GEOGRAPHIC AREA TO BE SERVED:** Clendenin, Kanawha County

**ELIGIBLE ACTIVITIES:** HCDA Sections 105(a)(1); 105(a)(3); 105(a)(4); 105(a)(6); 105(a)(11); 105(a)(15); 105(a)(22); 105(a)(25); Construction of New Replacement Housing, Construction of New Housing, Acquisition of Property for Replacement Housing; and, all applicable alternate eligibility categories set forth under 81 FR 83254 and 82 FR 5591.

**NATIONAL OBJECTIVE:** Benefit to low- and moderate-income persons through job creation or housing (24 CFR 570.208(a)).

**CDBG-DR ALLOCATION:** \$2,500,000

**PROJECTED ACCOMPLISHMENTS:** This project will restore affordable rental housing to the Clendenin community by providing a minimum of 10 total units with 6 of those 51% of all units created under this Project as being required to benefit LMI persons.

**START DATE:** The State anticipates the launch of this project during the third quarter of 2017.

**END DATE:** The State anticipates the completion of this project by July 2020.

## PLANNING

**PROGRAM OBJECTIVE AND DESCRIPTION:** West Virginia's Department of Commerce worked closely with the DHSEM, who manages disaster preparedness, mitigation, response, and recovery across West Virginia, by coordinating with all responsible government agencies, emergency managers, and first responders and the Governor's Office. The severe storms, flooding, landslides, and mudslides of June 22-29, 2016, severely impacted the 12 declared counties. Many of the affected communities are small municipalities who were already dealing with pre-disaster community and capacity challenges, including declining populations, strained economies, economically vulnerable residents, and significant blight. Recovery will require local capacity to address complex problems in infrastructure, housing, commerce, community resources, and the natural environment. Thus, West Virginia will use CDBG-DR funds for long-term State planning and rebuilding efforts. Some of the planning funds are intended for use in the following categories: planning, community outreach and implementation of neighborhood recovery strategies; environmental review of zoning and land use changes; integration of local land use and geographical planning. All associated activities will have a focus on the full development of a comprehensive resiliency strategy for the State. A primary use of these funds will be to provide support for the State Resiliency Office's development of a disaster recovery and response plan to address long-term recovery and pre / post disaster hazard mitigation.

**PRIORITIES:** Development of a disaster recovery and response plan that addresses long-term recovery as well as pre- and post-disaster hazard mitigation. Specifically, the State will use some of the Planning funds to support planning activities carried out by the newly established State Resiliency Office as further detailed in the Long-Term Recovery Section of this Action Plan.

**ELIGIBLE ACTIVITIES:** HCDA Section 105(a)(12).

**NATIONAL OBJECTIVE:** There is no HUD national objective for Planning activities.

**CDBG-DR ALLOCATION:** \$1,667,050

**PROGRAM ADMINISTRATION:** West Virginia Department of Commerce (State Resiliency Office).

**GEOGRAPHIC AREA TO BE SERVED:** Disaster declared counties: Clay, Fayette, Greenbrier, Jackson, Kanawha, Lincoln, Monroe, Nicholas, Pocahontas, Roane, Summers, and Webster Counties.

**PROGRAM START AND END DATES:** Duration of the CDBG-DR grant.

## ADMINISTRATION

**PROGRAM OBJECTIVE AND DESCRIPTION:** This function provides administrative and support services for the management and citizen participation necessary to formulate, implement, and evaluate all of the State's CDBG-DR Program activities. Administrative activities have already included some of the following and are anticipated to include in the future:

- Administrative activities associated with the activities carried out by the State Resiliency Office
- Preparation of CDBG-DR Action Plan and all subsequent Amendments;
- Ensuring citizen participation (including publication of public notices);
- Preparation of the required CDBG-DR quarterly reports;
- Maintenance of the CDBG-DR website;
- Preparation and oversight of Environmental Reviews;
- Monitoring expenditures for CDBG-DR programs;
- Delineation of population groups served by CDBG-DR programs;
- Liaison function with HUD, FEMA, and other federal departments; and
- Certification and maintenance of the necessary records that demonstrate that federal requirements for environmental review, fair housing, relocation, labor standards, equal opportunity, and citizen participation are met.

**ELIGIBLE ACTIVITIES:** Administration

**NATIONAL OBJECTIVE:** There is no HUD national objective for Administration activities.

**CDBG-DR ALLOCATION:** \$5,214,000

**PROGRAM ADMINISTRATION:** West Virginia Department of Commerce (State Resiliency Office); Regional Planning and Development Councils; West Virginia Housing Development Fund; West Virginia VOAD; and, West Virginia Department of Homeland Security and Emergency Management.

**PROGRAM START AND END DATES:** Duration of the CDBG-DR grant.

## VII. LONG-TERM RECOVERY PLANNING & COORDINATION

In the wake of a disaster such as that suffered by West Virginia in June 2016, a state is acutely aware of any gaps in its capacity to respond to such sudden devastation. Such was the case in West Virginia. The State immediately realized it would need not only the help but the expertise of its federal partners to recover both in the short-term and develop a sustainable long-term recovery strategy. Thus, West Virginia began immediately coordinating with federal, state and local partners to identify urgent needs and resources to resolve those needs. It was during that effort that a gap in its own capacity to handle such events was realized by the State. This realization impassioned West Virginia's leaders to undertake a simultaneous effort: address direct disaster impacts suffered by the communities while using the lessons learned from 2016 to develop a long-term recovery strategy focused on building capacity, coordination and resiliency.

The first step taken by West Virginia in this effort was to foster a collaboration between federal, state and local partners to examine recovery issues within six specific areas. The following support functions for recovery were prioritized for the initial collaboration:

- Community Capacity and Planning
- Housing
- Infrastructure Systems
- Economic
- Health & Social Services
- Natural and Cultural Resources

West Virginia was aware that a strong long-term recovery and resiliency strategy would require organization, cooperation and coordination of its entire federal, state and local network. Consequently, the collaboration was comprised of, but not limited to, the following agencies:

*Table 22: West Virginia Recovery Agencies*

DHS/ FEMA	Department of Agriculture	Department of Labor
WV Department of Commerce	Environmental Protection Agency	Department of Energy
WV Department of Health and Human Services	Department of Treasury	Department of Veterans Affairs
Department of Housing and Urban Development	Small Business Administration	American Red Cross
US Army Corps of Engineers	Department of Education	National VOAD
Department of Interior	Department of Transportation	WV VOAD
Appalachian Regional Commission	WVU Land Use & Sustainable Development Law Clinic	WV National Guard
WV Economic Development Authority	WV Municipal League	WV Regional Planning and Development Councils
WV Housing Development Fund		

Together, these partners worked to identify gaps in the State's capacity to recover as well as a comprehensive strategy to address these gaps. The goal was to define recovery issues, goals, objectives, and strategies to support recovery and build resiliency following the devastating effects of the severe storms, flooding, landslides, and mudslides. These partners will continue to coordinate throughout the actions necessary to achieve these goals. Through these defined strategies, the State developed its comprehensive plan pursuant to which it will promote sound, sustainable long-term recovery planning as the same was informed by its in-depth post-disaster evaluation of hazard risk and flood plain management.

## WEST VIRGINIA STATE RESILIENCY OFFICE

Over the past 52 years, more than 280 West Virginians have died from flooding events. Between 1996 and 2017, the State experienced 27 federal disaster declarations stemming from flooding. Unfortunately, when the disaster of June 2016 hit the region, the State was acutely reminded that its communities lack sufficient capacity to effectively and efficiently address large and complex challenges. Even though many state and federal flood protection programs and projects exist to assist when such events occur, flooding continues to be a threat to West Virginia communities.

Here again in 2016, many communities had the necessary capacity for day-to-day operations; however, the disaster shed light on the strains placed on the resources of the state, local officials, and staff after such a large disaster. Many of the affected communities are small municipalities who were already dealing with pre-disaster community and capacity challenges, including declining populations, strained economies, economically vulnerable residents, and significant blight.

Thus, West Virginia's leaders immediately realized that a key to the State's recovery from this disaster and future events was the establishment of a State Resiliency Office (SRO). The effort to establish this office was born out of leaders' dedication to long-term recovery and resilience. Multiple discussions ensued between State and federal stakeholders considering the best model for West Virginia. Some of the stakeholders collaborating on this initiative included cabinet secretaries and agency deputies from the West Virginia Department of Commerce, the West Virginia DHSEM, the West Virginia Air National Guard, the US Economic Development Administration, and the Federal Emergency Management Agency (FEMA). This united focus intentionally collaborated to develop the structure, purpose, and responsibilities of the new West Virginia State Resiliency Office.

In April 2017, the State legislature passed and Governor Justice signed into law House Bill 2935 which established West Virginia's State Resiliency Office. The key purpose of the SRO will be to coordinate the development of community and economic resiliency plans including, but not limited to, planning to mitigate flood damage, protect the environment and the promotion of efforts to support the State's economy. Upon the receipt of certain federal and/or state disaster or resiliency funds, the SRO shall coordinate all activities related to those funds. This central office will be critical to the long-term recovery and resiliency of West Virginia.

The SRO will be housed within the WV Department of Commerce and governed by an eight-member board. The SRO governing board will be comprised of the following leaders (or his or her designee) within the State of West Virginia:

- The Secretary of the Department of Commerce, Chair of the Board
- The Director of the Division of Homeland Security and Emergency Management
- The Director of the Division of Natural Resources
- The Secretary of the Department of Environmental Protection
- The Executive Director of the State Conservation Agency
- The Secretary of the Department of Military Affairs and Public Safety
- The Secretary of Transportation
- The Adjutant General of the West Virginia National Guard

The new law provides that the Chair of the Board (the Secretary of the Department of Commerce) coordinate quarterly meetings of the SRO Board to discuss current plans, initiatives and issues. It further requires that the Chair provide adequate staffing from its office to ensure effective capacity to carry out the decisions of the SRO Board. Accordingly, the WVDOC has organized its staff pursuant to the newly established SRO and will coordinate the CDBG-DR programs along with other federal and state recovery programs.

While the general purpose of the SRO is to oversee and coordinate implementation of long-term recovery efforts, the SRO will also look to proactively develop strategies to enhance West Virginia's overall resiliency. In some cases, the SRO will implement these developed strategies. Additionally, some of the additional responsibilities of the SRO include:

- Serve as coordinator of all economic and community resiliency planning and implementation efforts;
- Annually review the State's flood protection plan and update the plan no less than biannually;
- Recommend legislation as necessary to reduce or mitigate flood damage;
- Report to the Joint Legislative Committee on Flooding at least quarterly;
- Catalog, maintain and monitor a listing of current and proposed capital expenditures to reduce or mitigate flood damage or resiliency efforts;
- Coordinate planning of flood projects with other federal agencies;
- Improve professional management of flood plains;
- Provide education and outreach on flooding issues to West Virginia's citizens;
- Monitor federal funds that become available for disaster recovery and economic and community resiliency;
- Pursue additional funds and resources and assist not only with long-term recovery efforts, but also long-term community and state wide resiliency efforts; and,
- Coordinate, integrate, and expand planning efforts in the state for hazard mitigation, long-term disaster recovery and economic diversification.

The focus for the SRO will be to develop the capacity within state, regional and local entities enabling them to have the resources and knowledge to develop recovery and resiliency planning within their communities. The first step in this process will be the SRO's development and adoption of a pre-disaster recovery plan which will assist communities with planning efforts. Developing a state-level recovery plan model which can be adopted and shared throughout its communities is of utmost importance to West Virginia.

Additional key long-term recovery planning goals are as follows:

1. Build the State's capacity to successfully manage and coordinate long-term disaster recovery.
2. Ensure its local communities have resources to successfully execute long-term recovery.
3. Adopt a Pre-Disaster Recovery Plan which model can be adopted by regional and local communities
4. Demolish 60 percent of unsafe structures in flood impacted communities
5. Upgrade condition and capacity of at least 50 percent of the identified existing water and sewer systems by 2025
6. Increase household resiliency by educating 70% of the households by 2019 on preparedness options
7. Develop incentives to encourage mitigation strategies while rebuilding.
8. By January 1, 2018, Adopt state-wide land development standards, including modern building code requirements for local adoption and enforcement
9. Double the energy efficiency and sustainability of the reconstructed housing stock in disaster impacted communities by incorporating weatherization, energy efficiency and sustainable design in all recovery reconstruction.

The collaboration stemming from the June 2016 floods has only begun. The effort spent in the development of these strategies creates clear direction for continuing support and involvement of all agencies and nongovernmental organizations as West Virginia continues toward full recovery and increased resiliency.

## VIII. EFFORTS TO MINIMIZE OR ADDRESS DISPLACEMENT

All CDBG-DR funded activities will be designed to eliminate (or minimize) the occurrence of displacement. The State will minimize displacement of persons or entities and assist persons or entities displaced as a result of implementing a project with CDBG-DR funds.

The State will ensure that the assistance and protections afforded to persons or entities under the Uniform Relocation Assistance and Real Property Acquisition Policies Act (URA), and Section 104(d) of the Housing and Community Development Act of 1974, is available. The URA provides that a displaced person is eligible to receive a rental assistance payment that covers a period of 42 months. Given its priority to engage in voluntary acquisition and optional relocation activities to avoid repeated flood damage and improve floodplain management, the State accepts the HUD waiver of the Section 104(d) requirements, which assures uniform and equitable treatment by setting the URA and its implementation regulations, as the sole standard for relocation assistance under the Notice published at 81 FR 83254 and 82 FR 5591. Efforts to conduct voluntary buyouts for destroyed and substantially damaged buildings in a floodplain may not be subject to all provisions of the URA requirements. For LMI residents displaced by the CDBG-DR program, a temporary housing program may be available through the CDBG-DR program to allow time for new units to be rehabilitated or constructed.

Temporary relocation assistance for tenants is a standard component of rehabilitation programs and thus, tenants will be provided relocation assistance where applicable in compliance with the HUD Uniform Relocation Assistance and Real Property Acquisition Policies Act (URA) final rule (49 CFR Part 24). If tenants will be temporarily relocated (or temporarily displaced) for more than 12 months, they will be given “permanent” relocation assistance in accordance with HUD and URA requirements. Additionally, if the property is not suitable for rehabilitation, the program will provide assistance to the tenant for relocation to another rental property.

## IX. FLOOD INSURANCE & ELEVATION STANDARDS

After such devastation, the State is dedicated to implementing resiliency measures. WVDOC will follow HUD guidance to ensure all structures, defined at 44 CFR 59.1, designed principally for residential use and located in the 1 percent annual (or 100-year) floodplain, that receive assistance for new construction, repair of substantial damage, or substantial improvement, as defined at 24 CFR 55.2(b)(10), will be elevated with the lowest floor, including the basement, at least two feet above the 1 percent annual floodplain elevation. Residential structures with no dwelling units and no residents below two feet above the 1 percent annual floodplain will be elevated or flood-proofed in accordance with FEMA flood-proofing standards at 44 CFR 60.3(c)(3)(ii) or successor standard, up to at least two feet above the 1 percent annual floodplain.

Property owners assisted through the West Virginia Housing Restoration Program, West Virginia Rental Assistance Program, and the CDBG-DR / HMGP Coordinated Match Program will be required to acquire and maintain flood insurance if their properties are located in a FEMA designated floodplain. This requirement is mandated to protect safety of residents and their property and the investment of federal dollars. The elevation height of a house can significantly reduce the cost of flood insurance. The State will implement procedures and mechanisms to ensure that assisted property owners comply with all flood insurance requirements, including the purchase and notification requirements described below, prior to providing assistance.

As noted in the eligibility requirements set forth herein, the State will ensure that property owners receiving disaster assistance that triggers the flood insurance purchase requirement are informed that they have a statutory responsibility to notify any transferee of the requirement to obtain and maintain flood insurance, and that the transferring owner may be liable if he or she fails to do so. Therefore, as noted previously, a covenant will be placed on the property which will run in perpetuity requiring any owner of the property to maintain flood insurance.

## X. PROTECTION OF PEOPLE & PROPERTY; CONSTRUCTION METHODS

### CONSTRUCTION STANDARDS FOR REPLACEMENT AND NEW CONSTRUCTION OF RESIDENTIAL HOUSING

Recovery programs implemented by the State will incorporate uniform best practices of construction standards for all construction contractors performing work in all relevant jurisdictions. Construction contractors will be required to carry required licenses and insurance coverage(s) for all work performed. West Virginia will promote high quality, durable and energy efficient construction methods in affected counties. All newly constructed buildings must meet locally adopted building codes, standards and ordinances. In the absence of locally adopted and enforced building codes that are more restrictive than the state building code the requirements of the State Building Code will apply. Future property damage will be minimized by incorporating resilience standards by requiring that any rebuilding be done according to the best available science for that area with respect to base flood elevations.

The State will implement construction methods that emphasize high quality, durability, energy efficiency, sustainability, and mold resistance. All rehabilitation, reconstruction, and new construction will be designed to incorporate principles of sustainability, including water and energy efficiency, resilience, and mitigation against the impact of future disasters.

Under the CDBG-DR Program, the State will require all construction activities to follow the guidelines specified in the HUD CPD Green Building Checklist and meet an industry-recognized standard that has achieved certification under at least one of the following programs:

- ENERGY STAR Multifamily High Rise Program
- Enterprise Green Communities
- LEED (New Construction, Homes, Midrise, Existing Buildings Operations and Maintenance, or Neighborhood Development)
- ICC 700 National Green Building Standard
- EPA Indoor AirPlus (ENERGY STAR a prerequisite)
- any other equivalent comprehensive green building program

West Virginia will implement and monitor construction so as to ensure the safety of residents and the quality of projects developed. All multifamily units developed must comply with the current Minimum Quality Standards (MQS).

For rehabilitation other than substantially damaged residential buildings, grantees must follow the guidelines specified in the HUD CPD Green Building Retrofit Checklist. Grantees must apply these guidelines to the extent applicable to the rehabilitation work undertaken, including the use of mold resistant products when replacing surfaces such as drywall.

### ***Construction Warranties***

In addition to the licenses and insurance requirements, Contractors will be required to provide a warranty period for all work performed. Assisted homeowners will be provided a warranty on the work performed and funded through the housing programs. All work performed by the contractor will be guaranteed consistent with standards of West Virginia, or standards adopted by the State and referenced in contractor agreements to be executed between the homeowner/applicant and contractor. Contractors will be required to guarantee 1 year of general warranty for the entire home, 2 years of electrical, delivery, and mechanical system warranty, and 10 years of structural warranty. Applicants will have access to a thorough appeals process to address any construction quality concerns identified by the homeowner during the construction process.

### ***Appeals Process***

The State will implement an appeals process for homeowners, rental property owners, and other program participants related to program eligibility and program application process. In addition, the state will implement an appeals process for the West Virginia Housing Restoration Program and West Virginia Rental Assistance Program to allow for appeals of rehabilitation contractor work not meeting established contractor standards and workmanship detailed in the corresponding policies and procedures manual. In addition, in line with its existing policies and practices, the State will establish a formal appeals process for any housing activity under which a homeowner or other program participant can appeal the quality of any rehabilitation work. This protocol will include details on the appeals process, appealable decisions, review criteria, as well as development of governance mechanisms as part of the program operations and guidelines. Upon the approval of this Action Plan and the implementation of any such activity, the appeals process specific to such activity will be announced and placed on the West Virginia Disaster Recovery webpage.

### ***Dam/Levee Work***

West Virginia will not allocate any CDBG-DR funds towards activities involving dams and / or levees; therefore, registration with USACE Levee Database or Dam Inventory and adherence to other requirements set forth in 81FR 83254 will not be necessary.

## XI. PROGRAM INCOME

The State does not intend to implement any programs that generate income as described in 24 CFR 570.489. However, in the event that any of the activities funded by the 2016 CDBG-DR Award will generate income, the State will comply with all HUD requirements found at 24 CFR 570.489, as well as the rules outlined in 81 FR 83254. Specifically, the State will adhere to the Program Income policies and procedures detailed in its Financial Management Policies and Procedures.

Under 81 FR 83254, HUD provides grantees the option of transferring program income to their annual CDBG grant or to be used as CDBG-DR funds until grant closeout. The State has opted to return any program income received to the CDBG-DR program. To the maximum extent feasible, HUD requires that program income shall be used or distributed before additional withdrawals from the U.S. Treasury are made.

*Image 24: A Clendenin citizen being forced to abandon her home with 50 years of belongings at her side*



## XII. MONITORING STANDARDS/ PROCEDURES

The complete West Virginia Monitoring Plan / Policies and Procedures (Monitoring Plan) were included in the Certification Documentation submitted to HUD. As demonstrated herein, WVDOC already possesses the necessary policies, systems and procedures which formally establish the critical monitoring strategies for all cross-cutting regulatory requirements. These well-established systems include HUD program rules and regulations, civil rights, environmental, labor standards, fair housing, Section 3, citizen participation, reporting and recordkeeping requirements. Not only do the systems exist, but they have proven to be successful approaches in the oversight of projects supported with CDBG and previously allocated CDBG-DR funds. The current CDBG-DR award will leverage these existing resources and adapt them to the requirements of Public Law 114-223/254 and any subsequent related guidance.

Monitoring functions will ensure funding recipients, developers, contract service providers, and all contracted agencies adhere to state and federal regulations and requirements when operating, facilitating, or developing WVDOC administered programs and activities. WVDOC utilizes a Monitoring Plan that details the reasons monitoring reviews occur, timelines, specific approach to monitoring, documentation requirements and corrective actions necessary to resolve issues or concerns discovered through a review. This plan details monitoring procedures, scheduling, and standards, to provide HUD-funded activity compliance and performance reviews for all funding recipients, including internal WVDOC program operations. WVDOC performs monitoring and compliance reviews based on risk assessments and predetermined scheduling, as well as monitoring related to an acute or chronic matter uncovered by an external audit or necessitated by the possibility of fraud, waste, or mismanagement. The monitoring process reviews consist of entrance meetings, analysis of documentation, interviews, exit meetings, development and issuance of compliance review reports, corrective action plans, and if necessary, follow-up reviews and letters.



*Image 25: An excavator, left, attempts to rebuild the piece of land where a private bridge used to sit. The bridge was washed away by flood waters*

### XIII. BROADBAND INFRASTRUCTURE

West Virginia will also ensure through its CDBG-DR Program that any new construction or substantial rehabilitation, as defined by 24 CFR 5.100, of a building with four or more rental units, will include installation of broadband infrastructure (as defined in 24 CFR 5.100), except where the grantee documents that: (i) The location of the new construction or substantial rehabilitation makes installation of broadband infrastructure infeasible; (ii) the cost of installing broadband infrastructure would result in a fundamental alteration in the nature of its program or activity or in an undue financial burden; or (iii) the structure of the housing to be substantially rehabilitated makes installation of broadband infrastructure infeasible.

## XIV. CITIZEN PARTICIPATION PLAN

The State values citizen and stakeholder engagement. West Virginia has developed a Citizen Participation Plan (CPP) in compliance with 24 CFR 91.115, the requirements set forth under 81 FR 83254 for this allocation and other applicable HUD requirements. The State's CPP is intended to maximize the opportunity for citizen involvement in the planning and development of the West Virginia CDBG-DR recovery program including but not limited to:

- The amount of assistance expected to be received by impacted communities;
- The range of eligible activities to be undertaken; and,
- Other Action Plan and program activities.

The goal of the CPP is to provide all West Virginia residents with an opportunity to participate in the planning and assessment of the State's CDBG-DR recovery programs. In order to facilitate citizen involvement, West Virginia has laid out specific actions to encourage participation and allow equal access to information about the program by all citizens, especially those of low- and moderate-income, those living in slum and blighted areas and in areas identified for recovery through CDBG-DR, non-English speaking persons, and other vulnerable populations.

### ACTION PLAN

Citizen participation is an essential role in West Virginia's recovery. The State's goal is to provide every citizen, especially LMI citizens, an opportunity to participate in the planning, implementation and assessment of programs and projects. The participation of citizens is important given the impact of the CDBG-DR programs and projects on their communities. Thus, the State commits to provide citizens with reasonable and timely access to local meetings, public hearings and other information related to the use of the CDBG-DR funds.

The Action Plan defines how West Virginia will effectively use all available funding to support a data-driven recovery based on the calculation of unmet need across the state. The Action Plan describes the State's proposed allocation by activity and lays out program design for each area of assistance, as well as identifying the beginning and end dates for each disaster recovery activity, and performance and expenditure schedules. Before West Virginia adopts the disaster recovery Action Plan, the State will make available for public input, information regarding program design including the amount of assistance West Virginia expects to receive, the range of activities that may be undertaken, and the estimated amount that will benefit persons of low-to-moderate income, and plans to mitigate displacement.

A summary of all comments received will be included in the final Action Plan submitted to HUD for approval. The final Action Plan approved by HUD will be posted to the West Virginia Department of Commerce website.

### AMENDMENTS TO THE ACTION PLAN

Every amendment, substantial or not, shall be numbered sequentially and posted on the State's Disaster Recovery website, not replacing, but in addition to all previous versions of the plan.

### ***Substantial Amendments***

West Virginia will engage citizens throughout the program lifecycle to maximize the opportunity for input on proposed program changes that result in a Substantial Amendment. Program changes result in a Substantial Amendment when there is:

- A change in program benefit or eligibility criteria;
- An addition or deletion of an activity;
- An allocation or re-allocation of more than \$1 million; or,
- A change in planned beneficiaries.

The State will publish the availability of any draft Substantial Amendment and the dates of the fourteen (14) day public comment period. A copy of any Substantial Amendment will be available at [WVCommerce.org/WVDisasterRecovery](http://WVCommerce.org/WVDisasterRecovery).

Citizens will be provided with no less than fourteen days to review and provide comment on any proposed Substantial Amendment. A summary of all comments received will be included in the final Substantial Amendment submitted to HUD for approval. Final Substantial Amendments approved by HUD will be posted to the Disaster Recovery website located at [WVCommerce.org/WVDisasterRecovery](http://WVCommerce.org/WVDisasterRecovery).

### ***Non-substantial Amendments***

In the event the State needs to make a plan amendment which is not substantial, it shall notify HUD but will not allow for public comment. HUD will be notified at least five (5) business days before the amendment becomes effective.

## **PUBLIC MEETINGS**

West Virginia immediately began to seek the input from those communities impacted by the June 2016 floods along with stakeholders from across the State. Although a public hearing is not required given the citizen participation waivers provided by HUD for this CDBG-DR allocation, the State held two (2) public meetings to discuss the specific proposed use of the CDBG-DR funds with the public. The State sought input from the impacted communities and other stakeholders regarding the housing, infrastructure and economic revitalization unmet needs. Notice of public hearings was announced through prominent publication on the West Virginia Department of Commerce website, distribution through the impacted communities Long-Term Recovery Committees, posting on the West Virginia Secretary of State website and postings on various social media. All notices were posted in advance of the event. Public hearings were held at a time and location convenient to potential and actual beneficiaries. West Virginia considered all comments or views of citizens received in writing or orally at the public hearings.

Individuals who require auxiliary aids or special assistance at public hearings should make a request at least forty-eight hours in advance of the event to the WVDOC by contacting Jennifer Ferrell at 304-957-2019 or the hearing impaired may call 304-558-1675, or 866-461-3578 (toll-free).

Public meetings were held on Tuesday, April 4, 2017 and Wednesday, April 5, 2017 at 6:00 PM at the following locations, respectively:

Advent Christian Fellowship Hall  
2nd Avenue & Spencer Rd. (Rt. 119)  
Clendenin, WV 25045

WV School of Osteopathic Medicine - first year lecture hall  
400 North Lee St.  
Lewisburg, WV 24901

### **PUBLIC NOTICE AND COMMENT PERIOD**

West Virginia considered all comments regarding the Action Plan or any Substantial Amendments thereto received in writing, via email, or expressed in-person at official public hearing events. Additionally, in an effort to permit public examination and public accountability, West Virginia will make the information available to citizens, VOADS, public agencies, and other interested parties upon request.

Notice of public comment period will be provided by publication on the WVDOC disaster recovery website and in any notices regarding publication of the Action Plan or a Substantial Amendment. West Virginia will provide notice and open the citizen comment period for the following time frames per action:

- Comment period for the original Action Plan will take place for fourteen (14) days after the publication of the Action Plan.
- Comment period for Substantial Amendments will take place for no less than fourteen (14) days after the publication of the Substantial Amendment.

The Action Plan was posted on the Department of Commerce's website ([wvcommerce.org/WVDisasterRecovery](http://wvcommerce.org/WVDisasterRecovery)) on April 3, 2017. The Action Plan was available for comment for a period of 14 days until April 18, 2017.

### **OUTREACH TO VULNERABLE POPULATIONS AND THOSE WITH LIMITED ENGLISH PROFICIENCY**

West Virginia is mindful that after a disaster vulnerable populations, including those with limited English proficiency, may be most in need of resources and most difficult to reach. Such populations could include elderly, disabled, low or moderate income or those with limited English proficiency.

In order to identify impacted vulnerable populations, mapping and intentional consultation will be used by the State. As an example, the State will use American Census Survey data on age, disability and income and FEMA damage data to identify vulnerable populations. Additionally, non-profit or stakeholder identification of need will be utilized. Once these communities are identified, the State will target outreach in these areas. The SoVI® targeted, specialized outreach will be conducted to these populations in order to ensure proper notice of the opportunity to attend hearings or provide input on the proposed plan.

West Virginia is committed to providing all citizens with equal access to information about the recovery program, including persons with disabilities and limited English proficiency (LEP). The State follows HUD regulation, 24 CFR Part 1, "Nondiscrimination in Federally Assisted Programs of the Department of Housing and Urban Development—Effectuation of Title VI of the Civil Rights Act of 1964," which requires all recipients of federal financial assistance from HUD to provide meaningful access to LEP persons.

Persons who do not speak English as their primary language and who have a limited ability to read, write, speak, or understand English can be LEP and may be entitled to language assistance with respect to a particular type of service, benefit, or encounter. Where a significant number of non-English speaking residents can be reasonably expected to participate in public hearings or open comment periods, materials to be handed out will be translated into the appropriate language, citizen comments in a language other than English will be translated, and translators will be present.

As a result of initial population analysis, the Action Plan, any ensuing amendments, outreach materials and the application and related guidance materials will be published in both English and Spanish. When needed, the State will use an "I speak" visual chart containing a wide range of language samples for applicants to point to in request for specialized translation services.

## **CITIZEN COMPLAINT PROCEDURES**

The State of West Virginia will handle citizen complaints through a Constituent Services Team. All complaints received by the State, any contractor or vendor working on the CDBG-DR program or project, and/or other program sources, will be reviewed by the Constituent Services Team for:

1. Investigation as necessary;
2. Resolution; or
3. Follow-up actions.

It will remain the goal of the State to always attempt to resolve complaints in a manner that is both sensitive to the complainant's concerns and that achieves a fair result.

The goal of the State and its Constituent Services Team is to provide an opportunity to resolve complaints in a timely manner. The State will provide a timely written response (either by letter or email as applicable) within 15 business days of the receipt of the complaint. If it is not practicable to provide a response within this time period, then the complainant shall be notified of the reason for the delay and the expected time period for a response. It shall be the right of any party filing a complaint to participate in the process and appeal a decision reached by the State.

Citizens may file a written complaint or appeal through the Department of Commerce email at [DisasterRecovery@WV.gov](mailto:DisasterRecovery@WV.gov) or submit by postal mail to the following address:

Attention: Constituent Services  
West Virginia Development Office,  
1900 Kanawha Blvd., East Capitol Complex,  
Building 6, Room 553  
Charleston, WV 25305-0311

## XV. CERTIFICATION

In accordance with the applicable statutes and regulations governing the CDBG – DR grant, including the Federal Register Notice published November 28, 2016 at 81 FR 83254 (the Prior Notice) as well as the Federal Register Notice published January 23, 2017 at 82 FR 5591 (the Notice), the State of West Virginia (the Grantee), certifies as follows:

- a. The Grantee certifies that it has in effect and is following a residential anti-displacement and relocation assistance plan in connection with any activity assisted with funding under the CDBG program.
- b. The Grantee certifies its compliance with restrictions on lobbying required by 24 CFR part 87, together with disclosure forms, if required by part 87.
- c. The Grantee certifies that the Action Plan for Disaster Recovery is authorized under State and local law (as applicable) and that the Grantee, and any entity or entities designated by the Grantee and any contractor, subrecipient, or designated public agency carrying out an activity with CDBG-DR funds, possess(es) the legal authority to carry out the program for which it is seeking funding, in accordance with applicable HUD regulations and the Notice. The Grantee certifies that activities to be undertaken with funds under the Notice are consistent with its Action Plan.
- d. The Grantee certifies that it will comply with the acquisition and relocation requirements of the URA, as amended, and implementing regulations at 49 CFR part 24, except where waivers or alternative requirements are provided for in the Notice.
- e. The Grantee certifies that it will comply with Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u), and implementing regulations at 24 CFR part 135.
- f. The Grantee certifies that it is following a detailed citizen participation plan that satisfies the requirements of 24 CFR 91.115 (except as provided for in notices providing waivers and alternative requirements for this grant). Also, each UGLG receiving assistance from a State grantee must follow a detailed citizen participation plan that satisfies the requirements of 24 CFR 570.486 (except as provided for in notices providing waivers and alternative requirements for this grant).
- g. The Grantee certifies that it has consulted with affected UGLGs in counties designated in covered major disaster declarations in the non-entitlement, entitlement, and tribal areas of the State in determining the uses of funds, including method of distribution of funding, or activities carried out directly by the State.
- h. The Grantee certifies that it is complying with each of the following criteria:
  - (1) Funds will be used solely for necessary expenses related to disaster relief, long-term recovery, restoration of infrastructure and housing, and economic revitalization in the most impacted and distressed areas for which the President declared a major disaster in 2016 pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1974 (42 U.S.C. 5121 et seq.) but prior to September 29, 2016.
  - (2) With respect to activities expected to be assisted with CDBG-DR funds, the Action Plan has been developed so as to give the maximum feasible priority to activities that will benefit low- and moderate-income families.
  - (3) The aggregate use of CDBG-DR funds shall principally benefit low- and moderate-income families in a manner that ensures that at least 70 percent (or another percentage permitted by HUD in a waiver published in an applicable Federal Register) of the grant amount is expended for activities that benefit such persons.
  - (4) The Grantee will not attempt to recover any capital costs of public improvements assisted with CDBG-DR grant funds, by assessing any amount against properties owned and occupied by persons of low- and

moderate-income, including any fee charged or assessment made as a condition of obtaining access to such public improvements, unless: (a) disaster recovery grant funds are used to pay the proportion of such fee or assessment that relates to the capital costs of such public improvements that are financed from revenue sources other than under this title; or (b) for purposes of assessing any amount against properties owned and occupied by persons of moderate income, the Grantee certifies to the Secretary that it lacks sufficient CDBG funds (in any form) to comply with the requirements of clause (a).

- i. The Grantee certifies that it (and any subrecipient or recipient) will conduct and carry out the grant in conformity with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d).
- j. The grantee certifies that the grant will be conducted and administered in conformity with the Fair Housing Act (42 U.S.C. 3601–3619) and implementing regulations, and that it will affirmatively further fair housing, which means that it will take meaningful actions to further the goals identified in an AFH conducted in accordance with the requirements of 24 CFR 5.150 through 5.180, and that it will take no action that is materially inconsistent with its obligation to affirmatively further fair housing.
- k. The Grantee certifies that it has adopted and is enforcing the following policies, and, in addition, States receiving a direct award must certify that they will require UGLGs that receive grant funds to certify that they have adopted and are enforcing:
  - (1) A policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in nonviolent civil rights demonstrations; and
  - (2) A policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location that is the subject of such nonviolent civil rights demonstrations within its jurisdiction.
- l. The grantee certifies that it (and any subrecipient or administering entity) currently has or will develop and maintain the capacity to carry out disaster recovery activities in a timely manner and that the grantee has reviewed the requirements of this notice and requirements of the Appropriations Act applicable to funds allocated by this notice, and certifies to the accuracy of its certification documentation referenced at A.1.a. under section VI and its risk analysis document referenced at A.1.b. under section VI.
- m. The Grantee certifies that it will not use CDBG-DR funds for any activity in an area identified as flood prone for land use or hazard mitigation planning purposes by the State, local, or Tribal government or delineated as a Special Flood Hazard Area in FEMA's most current flood advisory maps, unless it also ensures that the action is designed or modified to minimize harm to or within the floodplain, in accordance with Executive Order 11988 and 24 CFR part 55. The relevant data source for this provision is the State, local and Tribal government land use regulations and hazard mitigation plan and the latest issued FEMA data or guidance, which includes advisory data (such as Advisory Base Flood Elevations) or preliminary and final Flood Insurance Rate Maps.
- n. The Grantee certifies that its activities concerning lead-based paint will comply with the requirements of 24 CFR part 35, subparts A, B, J, K, and R.
- o. The grantee certifies that it will comply with environmental requirements at 24 CFR Part 58.
- p. The Grantee certifies that it will comply with applicable laws.

Signature of Authorized Official:

Date:

Title:

## XVI. APPENDICES

### APPENDIX A: SUMMARY OF PUBLIC COMMENTS AND RESPONSES

- Clendenin, Kanawha County, Community Meeting – Advent Christian Fellowship Hall: 4/4/17
- Lewisburg, Greenbrier County, Community Meeting – West Virginia School of Osteopathic Medicine: 4/5/17
- Public Comments received through email address offered by WVDO during the public comment period: DisasterRecovery@WV.gov

#### *Comment 1:*

Did the State seek additional funds while seeking waiver?

#### **Response:**

The State did not seek additional funds. The waiver sought was to expand the HUD-identified Most Impacted and Distressed Areas (MID Areas). Thus, the waiver allowed the State to expend more of its CDBG-DR award in 4 counties rather than just the initial 2.

#### *Comment 2:*

Are these income guidelines the same as other HUD programs?

#### **Response:**

Yes; 80% area median income is the same as other HUD programs. HUD publishes the area income limits annually and the State will follow those published limits.

#### *Comment 3:*

Is there any assistance for rebuilds?

#### **Response:**

Yes; rebuilds/reconstruction assistance is available for eligible applicants under the West Virginia Housing program.

#### *Comment 4:*

FEMA would not help landlords; only provided assistance for tenants. Will this program be the same?

#### **Response:**

No; the WV Rental Assistance Program will provide assistance to owners of rental property based on the eligibility criteria set forth in the State's Action Plan.

**Comment 5:**

I am not a fan of handing out money; will this money go to homeowners? Will the homeowner hire the contractors to perform the repairs?

**Response:**

No, this is not a compensation program. Eligible Applicants will not receive the funds directly. The "award" referenced is the amount of assistance the applicant will be eligible to receive to provide the appropriate assistance. Applicants will not hire the contractors which perform the construction services. The State will hire the contractor for the Applicants and assign a contractor to an applicant to provide repair/rehab/replacement services.

**Comment 6:**

Will the State be using local contractors for the work performed as a result of CDBG-DR funds? It would be a great help to local economies which are currently economically depressed.

**Response:**

Local contractors are eligible and encouraged to submit bids when the State issues public solicitations for the needed services. In order to ensure awareness of the economic opportunities created through the CDBG-DR programs, the State will soon be conduct intentional outreach campaigns to provide notice to all contractors of the specific upcoming contracting opportunities.

**Comment 7:**

How will Roane County be assisted for recovery?

**Response:**

Roane is one of the twelve counties declared for the disaster; therefore, Roane will be eligible for 20% of the CDBG-DR funds. Residents of Roane are eligible to be assisted through housing programs; they will need to apply through the application intake process associated with these programs.

**Comment 8:**

How will case managers verify applicant information?

**Response:**

Case managers will utilize federal databases and require supporting documentation to verify all information provided by each applicant.

**Comment 9:**

How will reported needs be verified as actual needs and proven to be correct?

**Response:**

Licensed inspectors and engineers will perform on-site inspections to verify the applicant information as well as any remaining unmet needs.

**Comment 10:**

When will the Rise on the Road meetings take place?

**Response:**

Rise on the Road meetings which will provide a comprehensive update of all of West Virginia's recovery programs will take place May 1st and May 4th of 2017; specific information including times, locations, and participating stakeholders will be advertised to each community in the near future.

**Comment 11:**

Can you all demo a blighted structure, not located in a flood zone, and then use the land to build a new residential home?

**Response:**

Yes, with these funds, we do not have to just rebuild homes in their original location. We can rebuild in a new location that is not in a flood zone.

**Comment 12:**

Will you all use money from the National Guard and FEMA to demo and rebuild or do you have your own funds?

**Response:**

Demolition is an eligible activity under this program; however, the State will intentionally coordinate with the National Guard and FEMA to best leverage the limited funds available.

**Comment 13:**

Will you work with landlords under the Rental Assistance Program?

**Response:**

Yes. However, the WV RAP is not a compensation program; compensation is an ineligible activity under these programs. The CDBG-DR housing programs will ensure that eligible applicants receive the repair assistance needed.

**Comment 14:**

Will you all look at whether it costs more to repair the property, than to rebuild?

**Response:**

Yes, under the program guidelines, we will conduct a cost-effectiveness analysis to determine whether making the repairs or demolishing the property and rebuilding is more cost effective. The most cost effective solution will be offered to eligible applicants.

**Comment 15:**

Will the homeowners have to find their own contractors to work on their homes?

**Response:**

No. The state will procure a pool of contractors to provide the services needed by eligible applicants. These contractors will have a contract directly with the State which will allow the State to dictate where they work. Thus, the homeowners will not have to find their own contractors. There will also be monitors who will work for the state to ensure everything is being done correctly.

**Comment 16:**

Will the workers get time-and-a-half (overtime pay)?

**Response:**

Overtime pay is required under the applicable federal labor standards governing the CDBG-DR grant.

**Comment 17:**

Where will the contractors come from? Will you all let everyone know when this work is available?

**Response:**

The State will conduct an open and fair procurement for construction services according to applicable federal and state law. Currently, the WVDO is working on a solicitation for these services and in advance of the solicitation, WVDO will notify the contracting community of the contracting opportunities available through the CDBG-DR programs.

**Comment 18:**

Do homeowners qualify if they purchased property after the flood?

**Response:**

No, they would not qualify under this program. This program requires ownership of the property at the time of the flood.

**Comment 19:**

What is the process to determine eligibility?

**Response:**

Initially, an intake will need to be done by a case manager to obtain an applicant's information and documentation to verify eligibility. Through this process, other databases linked to federal grant programs will be used to identify applicants by name, address and social security numbers to make a duplication of benefits conclusion.

**Comment 20:**

If you missed the deadline to apply for other federal funds, can an individual still qualify to receive these funds?

**Response:**

Yes, this program is separate from other programs and the deadline will be much longer. Once the application / intake period is open for the public, notifications and outreach efforts will specifically identify application deadlines alerting the community of the important dates.

There will also be case managers that can assist with completing applications to ensure timely submission.

**Comment 21:**

When people meet with the case managers, if they are not eligible for these funds, will you be able to direct them to additional resources?

**Response:**

Yes, we have been working with the State to target areas where HUD funds can be used and then coordinate through the WV VOADs and WV Unmet Needs Committee to assist in areas where other funds can be used if they are not eligible for these programs.

**Comment 22:**

Are there exceptions to the liens that will be applied to the properties once the repairs have been made?

**Response:**

We anticipate exceptions being allowed, but will have to work with HUD on those details. The State would like for there to be employment (job transfer) and health related exceptions to the liens that would allow the lien to be removed in certain circumstances.

**Comment 23:**

In this area (Lewisburg) most of residents are median income; do they still qualify for these services?

**Response:**

Yes, the programs require us to serve a majority of low to moderate income. So, moderate incomes do qualify and they will be prioritized in the rebuilding.

**Comment 24:**

Who can own these apartment complexes, such as an 18-unit building, that are being repaired?

**Response:**

Under CDBG, these funds can be used for a for-profit developer, if the repairs fit under one of the housing or economic programs. It should be noted, though, that the WV RAP funded with this allocation targets small rental properties- properties with 1-4 units available for rent to LMI persons.

**Comment 25:**

Is there a small business element to any of the programs?

**Response:**

No, there is not a program which directly benefits small businesses at this time. But under the Rental Assistance Program, there are organizations, like the SBA, associated who may be able to assist with loans. The West Virginia Development Office will also be available to assist in job development.

**Comment 26:**

What is the timeframe on the availability of the funds?

**Response:**

The State will submit the Action Plan by April 24, 2017. HUD has 60 days to evaluate the plan. Then there are additional time periods where the State submits its initial environmental documentation and Request for Release of Funds. This entire process is likely to take until August. Thus, as you see in the draft Action Plan, the State anticipates the launch of its programs during the third quarter of 2017.

**Comment 27:**

Who will conduct the community outreach to inform the citizens when the funds are available?

**Response:**

The State and the WV VOADs will handle the outreach and target the individuals living in HIGH and MEDIUM SoVI areas that are eligible for the funds.

**Comment 28:**

Is there enough demand to support the buyout program?

**Response:**

West Virginia appreciates the question and will review data regarding known need to inform its final allocation proposal.

**APPENDIX B: WVDO ACTION PLAN PUBLIC MEETING PRESENTATION**



# West Virginia CDBG – DR Action Plan

**COMMUNITY BRIEFING**

**APRIL 4, 2017 & APRIL 5, 2017**

## Recovery Coordination: Federal Partners



**FEMA**



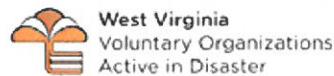
## Recovery Coordination: State Partners



## Recovery Coordination: Regional Partners

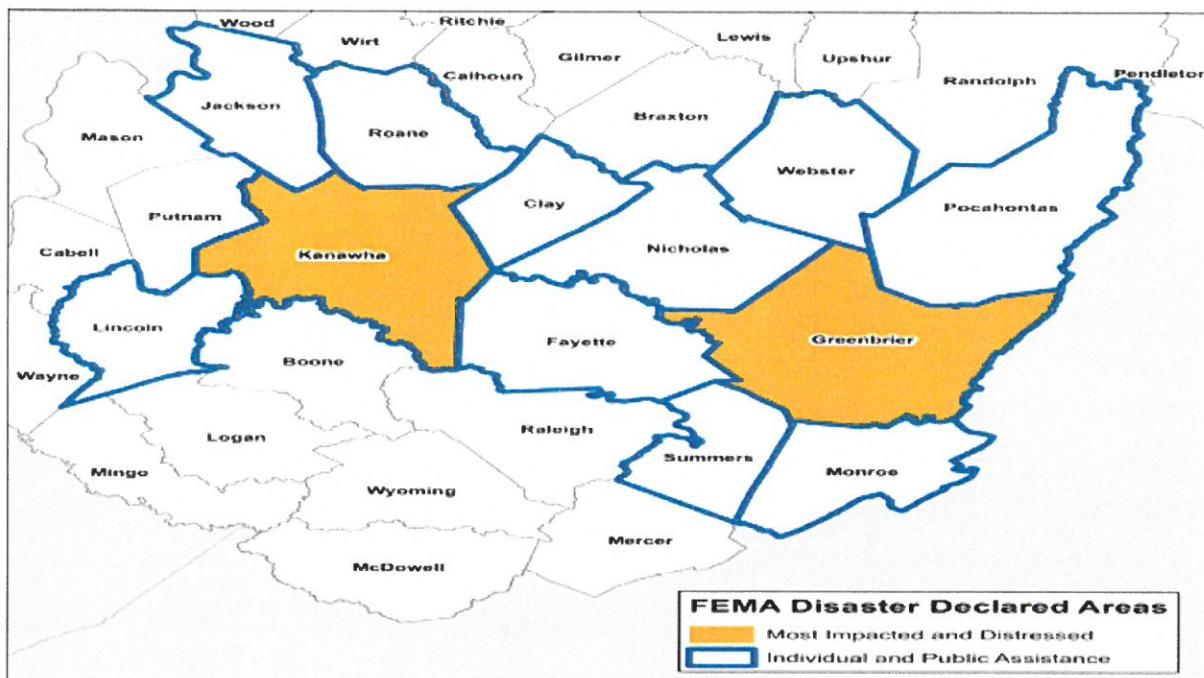


## Recovery Coordination: Non-Profits



## Overview of \$104M CDBG-DR Award

- Congress appropriated over \$2 billion in Community Development Block Grant - Disaster Recovery (CDBG-DR) funds for states that were declared to have suffered a major disaster by the President of the United States in 2016.
- Based on HUD's assessment of unmet need, the State of West Virginia was notified that it will receive two allocations totaling **\$104,280,000** in CDBG-DR funding for recovery programs stemming from the flood.



## Overview of \$104M CDBG-DR Award

- 12 counties are eligible for assistance
- 80% of funds must be spent in Greenbrier & Kanawha Counties as they were deemed “most impacted and distressed” by HUD.
- 70% of funds must benefit low- to moderate-income (LMI) persons
- HUD is requiring the State to primarily address housing needs
- All funded activities **must** meet 1 of 3 HUD national objectives:
  1. Benefit persons of low- and moderate-income, or
  2. Aid in the prevention or elimination of slums or blight, or
  3. Meet other urgent community development needs

# Proposed Programs

Up to Code Housing Restoration Program (Up to Code)

Rental Assistance Program (RAP)

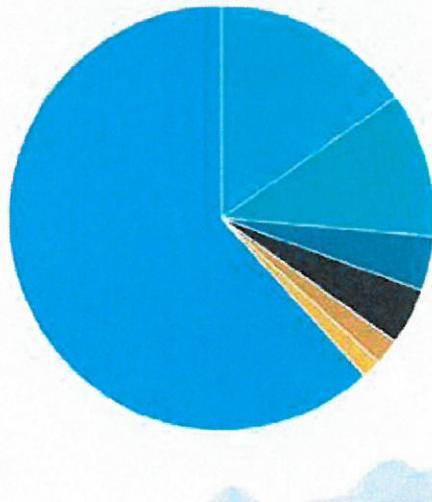
Hazard Mitigation Grant Program (HMGP) Match

Strategic Buyout and Acquisition Program

Bridge Home Program

Riverview Rehabilitation Project

Up to Code Housing Restoration Program	\$64,378,858	62%
Rental Assistance Program	\$16,400,000	15%
HMGP Match	\$11,440,000	11%
State Planning & Admin	\$4,781,056	4%
Strategic Buyout & Acquisitions Program	\$4,500,000	4%
Bridge Home Program	\$2,085,000	2%
Riverview Rehabilitation Project	\$1,500,000	1%



## Proposed Program Allocations

## UP TO CODE HOUSING RESTORATION PROGRAM

**Objective:** Provide housing assistance to LMI (low- to moderate-income) households in the 12 counties.

**CDBG-DR Allocation:** \$64.4 million

**Eligibility Requirement:** Single family homes and mobile homes that are the primary residence of the homeowner

**Program Priorities:** FEMA designated damages, LMI households, High or medium social vulnerability (SoVI®) score, no flood insurance

**Estimated Households to be Served:** 1,000

## RENTAL ASSISTANCE PROGRAM

**Objective and Description:** Rehabilitation and repair of rental property impacted by the flood

**CDBG-DR Allocation:** \$16 million

**Eligibility Requirement:** Rental property occupied as the primary residence of a tenant.

**Program Priorities:** FEMA designated damages, LMI tenant household, High or medium social vulnerability (SoVI®) score, no flood insurance.

**Estimated Households to be Served:** 300